

House Bill 241

By: Representative Smith of the 113th

A BILL TO BE ENTITLED
AN ACT

To amend Article 1 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to ad valorem taxation of property generally, so as to change certain provisions relating to certification of assessed taxable value of property and method of computation, resolution or ordinance required for millage rate, and advertisement of intent to increase property tax; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 1 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to ad valorem taxation of property generally, is amended by revising Code Section 48-5-32.1, relating to certification of assessed taxable value of property and method of computation, resolution or ordinance required for millage rate, and advertisement of intent to increase property tax, as follows:

"48-5-32.1.

(a) As used in this Code section, the term:

(1) 'Ad valorem tax' or 'property tax' means a tax imposed upon the assessed value of real property.

(2) 'Certified tax digest' means the total net assessed value on the annual property tax digest certified by the tax commissioner of a taxing jurisdiction to the department and authorized by the commissioner for the collection of taxes, or, in the case where the governing authority of a county whose digest has not been approved by the commissioner has petitioned the superior court of the county for an order authorizing the immediate and temporary collection of taxes, the temporary digest so authorized.

(3) 'Levying authority' means a county, a municipality, or a consolidated city-county governing authority or other governing authority of a political subdivision of this state that exercises the power to levy ad valorem taxes to carry out the governing authority's purposes.

(4) 'Mill' means one one-thousandth of a United States dollar.

(5) 'Millage' or 'millage rate' means the levy, in mills, which is established by the governing authority for purposes of financing, in whole or in part, the taxing jurisdiction's expenses for their fiscal year.

(6) 'Millage equivalent' means the number of mills which would result when the total net assessed value added by reassessments is divided by the certified tax digest and the result is multiplied by the previous year's millage rate.

(7) 'Net assessed value' means the taxable assessed value of property after all exemptions.

(8) 'Recommending authority' means a county, independent, or area school board of education that exercises the power to cause the levying authority to levy ad valorem taxes to carry out the purposes of such board of education.

(9) 'Roll-back rate' means the previous year's millage rate minus the millage equivalent of the total net assessed value added by reassessments;

(A) As calculated and certified to the commissioner by the tax commissioner for county and educational tax purposes; and

(B) As calculated by the collecting officer of the municipality for municipal tax purposes.

(10) 'Taxing jurisdiction' means all the real property subject to the levy of a specific levying authority or the recommended levy of a specific recommending authority.

(11) 'Total net assessed value added by reassessments' means the total net assessed value added to the certified tax digest as a result of revaluation of existing real property that has not been improved since the previous tax digest year.

(b) At the time of certification of the digest, the tax receiver or tax commissioner shall also certify to the recommending authority and levying authority of each taxing jurisdiction the total net assessed value added by reassessments contained in the certified tax digest for that tax digest year of the taxing jurisdiction.

(c)(1) Whenever a recommending authority or levying authority shall propose to adopt a millage rate which does not exceed the roll-back rate, it shall adopt that millage rate at an advertised public meeting and at a time and place which is convenient to the taxpayers of the taxing jurisdiction, in accordance with the procedures specified under Code Section 48-5-32.

(2) In those instances in which the recommending authority or levying authority proposes to establish any millage rate which would require increases beyond the roll-back rate, the recommending authority or levying authority shall advertise its intent to do so and shall conduct at least three public hearings thereon, at least one of which shall commence between the hours of 6:00 P.M. and 7:00 P.M., inclusive, on a business

weekday. The recommending authority or levying authority shall place an advertisement in a newspaper of general circulation serving the residents of the unit of local government, which shall read as follows:

'NOTICE OF PROPERTY TAX INCREASE

The (name of recommending authority or levying authority) has tentatively adopted a millage rate which will require an increase in property taxes by (percentage increase over roll-back rate) percent.

All concerned citizens are invited to the public hearing on this tax increase to be held at (place of meeting) on (date and time).

Times and places of additional public hearings on this tax increase are:

at (place of meeting) on (date and time).

This tentative increase will result in a millage rate of (proposed millage rate) mills, an increase of (millage rate increase above the roll-back rate) mills. Without this tentative tax increase, the millage rate will be no more than (roll-back millage rate) mills. The proposed tax increase for a home with a fair market value of \$100,000.00 is approximately \$(increase).'

Simultaneously with this notice the recommending authority or levying authority shall provide a press release to the local media.

(3) The advertisement shall appear at least one week prior to each hearing, ~~and shall~~ be prominently displayed, be not less than 30 square inches, and ~~shall~~ not be placed in that section of the newspaper where legal notices appear. In addition to the advertisement specified under this paragraph, the levying or recommending authority may include in the notice reasons or explanations for such tax increase.

(4) No recommending authority shall recommend and no levying authority shall levy a millage rate in excess of the proposed millage rate as established pursuant to paragraph (2) of this subsection without beginning anew the procedures and hearings required by this Code section and those required by Code Section 48-5-32. The commissioner shall not accept a digest for review or issue an order authorizing the collection of taxes if the recommending authority or levying authority other than municipal governing authorities has established a millage rate that is in excess of the correct rollback without complying fully with the procedures required by this Code section and Code Section 48-5-32; provided, however, that the commissioner may accept such a digest and issue an order authorizing the collection of taxes if the commissioner determines that the discrepancy was a bona fide error in calculation or if the increase in taxes does not exceed the amount of the advertised increase by more than 3 percent.

(5) Any notice or hearing required under this Code section may be combined with any notice or hearing required under Article 1 of Chapter 81 of Title 36 or Code Section

48-5-32; provided, however, that all of the requirements of this Code section with respect to advertisement shall be met, and the space in the advertisement for the hearings devoted to the requirements of this Code section shall meet the requirements of paragraph (3) of this subsection.

(d) Nothing contained in this Code section shall serve to extend or authorize any millage rate in excess of the maximum millage rate permitted by law or to prevent the reduction of the millage rate.

(e) The commissioner shall not accept for review the digest of any county which does not submit simultaneously with such digest evidence of compliance with this Code section by the levying authorities and recommending authorities with the exception of municipal governing authorities. In the event a digest is not accepted for review by the commissioner pursuant to this subsection, it shall be accepted for review upon satisfactory submission by such authorities of such evidence. The levies of each of the levying authorities other than the county governing authority shall be invalid and unenforceable until such time as the provisions of this Code section have been met.

(e.1) In the event the commissioner determines, after having issued an order authorizing the collection of taxes, that the recommending authority or the levying authority has not fully complied with all of the provisions of this Code section, then the commissioner may declare the increase above the roll-back rate null and void and require that any taxes collected above the roll-back rate be returned to the taxpayer. The recommending authority or levying authority which is the subject of such finding by the commissioner shall bear the cost of such refund and all administrative costs associated with providing such refund.

(f) The commissioner shall promulgate such rules and regulations as may be necessary for the administration of this Code section."

SECTION 2.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.